

CHAPTER 13.20

Sewer System

13.20.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Centigrade, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

City means the City of Evans, Colorado.

City Manager means the City Manager or acting City Manager of the City.

Combined sewer means a sewer receiving both surface runoff and sewage.

Director means the director or acting director of the utilities department.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Person means any individual, firm, company, association, society, corporation or group.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Sanitary sewer means a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Shall is mandatory; *may* is permissive

Slug means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

Storm drain (sometimes termed "storm sewer") means a sewer which carries stormwaters, surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 609 85, 1985)

13.20.020 Establishment of Wastewater Utilities Enterprise.

A. The City Council hereby recognizes and confirms the operation of the Municipal Wastewater System as an "Enterprise" within the meaning of Section 20 of Article X of the Colorado Constitution.

B. The City Council hereby formally establishes the City of Evans, Colorado, Wastewater Utilities Enterprise (the "Enterprise"), pursuant to the Act, for the purpose of continuing the operation of the Municipal Wastewater System as a Water Activity Enterprise under the Act and as an "Enterprise" within the meaning of Section 20 of Article X of the Colorado Constitution.

C. The City Council hereby designates itself as the governing body of the Enterprise, pursuant to the Act.

D. To the extent it deems necessary, the governing body of the Enterprise shall exercise the City's legal authority relating to the Municipal Wastewater System, but shall not levy a tax, which is subject to Section 20(4) of Article X of the State Constitution.

E. The Enterprise shall have no power to impose or levy any tax.

F. Funds of the Enterprise and funds of the City may be commingled for purposes of investment so long as accurate records are kept of the amount of such funds allocable to the Enterprise and to the City.

G. All action (not inconsistent with the provisions of this Section) heretofore taken by the City Council or by the officers and employees of the City directed toward the operation of the Municipal Wastewater System as an "Enterprise" under Section 20 of Article X of the Colorado Constitution is hereby ratified, approved and confirmed. (Ord. 1031-97, 1997; Ord. 609 85, 1985)

13.20.030 Use of public sewers required.

A. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

B. It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

C. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City is required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice to do so, provided that the public sewer is within one hundred (100) feet (30.5 meters) of the property line. (Ord. 609 85, 1985)

13.20.040 Private sewage disposal.

A. Where a public sanitary or combined sewer is not available under the provisions of Subsection 13.20.030.D above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Clerk, after first being approved by the City Council. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Council. A permit and inspection fee of seventy-five dollars (\$75.00) shall be paid to the City at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Utilities Department. The Utilities Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the utilities department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Utilities Department.

D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than required by the State Department of Public Health and the Weld County health department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage system, as provided in Subsection D above, a direct connection shall be made to the public sewer, in compliance with this Chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.

G. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the State or County Department of Health.

H. When a public sewer becomes available, the building sewer shall be connected to such sewer within sixty (60) days, and the private sewage disposal system shall be cleaned of sludge and filled with clean, bank run gravel or dirt. (Ord. 609 85, 1985)

13.20.050 Building sewers and connections.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

B. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the director. A permit and inspection fee of 0 for a residential or commercial building sewer permit, and 0 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. 1. Existing services. The use of compound sewer taps or more than one (1) service line for each tap is prohibited, and in case any such connection has been heretofore made it shall be the duty of the Utilities Director to disconnect the same and separate such service lines in order that each service line be served by a separate tap. The owner of lots or premises being served shall pay the full cost of making the taps and installing new service lines, and shall be required to pay system development fees. The current system development fee schedule shall be the basis of such payment. The owner may apply to the Utilities Director for an exemption to the requirement of payment of system development fees. If the Utilities Director determines that the compound tap was legal at the time it was made and that separation will not increase demand on the system, he shall grant the exemption. If the decision of Utilities Director is to deny such a waiver, the owner may appeal the matter to the Water and Sewer Board. The decision by the Water and Sewer Board shall be final.

2. Proposed services. A separate and independent sewer service shall be provided for every building; except where a building is located or is proposed to be located at the rear of another on the same lot or parcel and, with the prior written approval of the Utilities Director, the service line may be extended to the rear building provided that all buildings and properties are under the same

ownership and are being used as accessory uses associated with the primary building (i.e., detached garages, warehouses).

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this Chapter.

F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

J. The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his or her representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, park ways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 1022-96, 1997; Ord. 609 85, 1985)

13.20.060 Use of public sewers.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

2. Any waters or wastes containing toxic or poisonous soils, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, institute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes discharged to the public sewer;

3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Director, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit (sixty-five degrees (65°) Centigrade).

2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit (zero and sixty five degrees Centigrade).

3. Any garbage that has not been properly shredded; the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.

4. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not.

5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or waster exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the director for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations necessary, after treatment of the composite sewage, to meet the requirements

of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.

8. Any waters or wastes having a pH in excess of 9.5.

9. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids, such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chlorine and sodium sulfate;

b. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions;

c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works; and

d. Unusual volume of flow or concentration of wastes constituting slugs, as defined in this Chapter.

10. Waters or wasters containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D above, and which in the judgment of the director may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise crease a hazard to life or constitute a public nuisance, the director may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection J below.

If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of director, and subject to the requirements of all applicable codes, ordinances and laws.

F. Grease, oil and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required

for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director, and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective cooperation by the owner at his or her expense.

H. When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him so as to be safe and accessible at all times.

I. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite if all outfalls of a premises is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

J. No statement contained in this Section shall be construed as preventing any special agreement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern. (Ord. 609 85, 1985)

13.20.070 Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision is guilty of a misdemeanor. (Ord. 609 85, 1985)

13.20.080 Powers and authority of inspectors.

A. The director and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Chapter. The director or his or her representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers of waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in Subsection A above, the director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City

employees and against liability claims and demands for personal injury or property damages asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Subsection 13.20.060.H above.

C. The director and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds an easement, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved. (Ord. 609 85 §1 (part), 1985)

13.20.090 Rates.

A. The rates and charges and the manner of payment of such rates and charges for the use of the sanitary sewers and sewage system of the City, for property located both within and without the corporate limits of the City shall be as adopted by resolution by the City Council. Such rates may be amended from time to time as the City Council determines necessary.

B. Each industry creating a special or unusual treating or handling problem, in the opinion of the City Council, will be charged in accordance with the costs of handling and treating the actual waste load, at such rates and charges to be established through contract with the individual industry and/or resolution of the City Council.

C. For property other than residence property situated without the limits of the City, the user shall make application to the council for such use, and a rate shall be established by resolution of the City Council.

D. Sewer rates and charges shall be due and payable and shall be collected at the time and in the manner in which water rates are due and collected.

E. All rates and charges for use of the sewer system of the City shall constitute a lien upon the land, buildings and premises served, and in the event such charges shall not be paid when due, the City Treasurer shall certify delinquent charges to the County Treasurer, and the same shall be collected and paid over to the City in the same manner as other taxes, and all laws of the State for the collection of general taxes shall apply, including the laws for the sale of property for taxes and redemption of same.

F. All revenue derived from the rates and charges imposed by this Chapter shall be deposited in a special sewer fund in accordance with the laws of the State, and paid out only in accordance with such laws. (Ord. 779-90 §1, 1990; Ord. 609 85 §1 (part), 1985)

13.20.100 Violation – penalties.

A. Any person found to be violating any provision of this Chapter, except Section 13.20.070 above, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Subsection 13.20.070 above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount

not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (Ord. 842-92, 1992; Ord. 609 85, 1985)